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			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/692,920	BANKER ET AL.	
	<b>Examiner</b> Scott Beliveau	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5, 16-18, 21-23, 25-27, 32, 34, 35 and 38-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 16-18, 21-23, 25-27, 32, 34, 35 and 38-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 September 2005 has been entered.

### ***Priority***

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. In particular, the later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). The earlier 09/590,488 application illustrates an “indexing function” in Figure 8C, however it does not disclose details as to the particular usage of the illustrated function as claimed.
3. Applicant’s claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-5, 16-18, 21-23, 25-27, 32, 34, 35, and 38-58 of

this application. The provisional application briefly discloses the ability to index listings with left and right arrows by selectable categories such as year or rating (Page 8). However, the brief disclosure fails to adequately disclose the claimed invention set forth in the amended claims. For example, the earlier filling is wholly silent as to the newly added limitations of “configuring each index in a plurality of user-selectable indices according to a respective range of values of the media information parameter, each respective range of values being determined according to a first threshold defining a predetermined number of media titles” (Claim 1), “determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values” (Claims 2 and 52), “enabling a plurality of user-selectable indices for indexing displayed media titles, each user-selectable index corresponding to a range of time and according to a threshold defining a predetermined number of media titles” (Claim 17), and “configuring each index in a plurality of user-selectable indices according to the display order and according to a respective range of values of the media information parameter, each range of values being determined according to a first threshold defining a predetermined number of media titles” (Claim 59). Accordingly, the instant application shall be examined on the basis of its filling date or 20 October 2000.

#### *Response to Arguments*

4. Applicant's arguments with respect to claims 1, 2, 5, 41, 52, 17, 46, 47, 56, and 59 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of claim 1 under the combined teachings of LaJoie et al. and Eick, applicant's argue that the combined references fails to disclose, teach or suggest that "configuring each index in a plurality of user-selectable indices according to a respective range of values . . . each respective range of values being determined according to a first threshold defining a predetermined number of media titles . . ." . In particular, applicant's point to Figure 19 of Eick and note that the category "N" includes an unlimited number of titles, as shown in Figures 20, 21, and 22. The examiner respectfully disagrees with the applicant's reasoning in so far as Eick clearly discloses a predetermined maximum number (ex. 6) of entries resulting from the selection of any given term. Turning to the instant application, the specification discloses that the client adjusts the range of each indexing prompt such that the number of media titles corresponding to the range of characters shown in each indexing prompt does not exceed a predetermined threshold (a single displayed character is construed as being an implicit range of all titles starting with the particular character alone and ending with a combination of the particular character (ex. A – Azzzz . . .)). For example, if the number of media titles beginning with the letter A, B, or C is greater than a predetermined threshold, then the letter C is not included with the letters (IA: Page 14, Lines 11-29). Based upon this disclosure, an "unlimited number" of entries (arguably limited only by the available titles starting with that particular letter) could clearly exist underneath a given indexing term (ex. "A"). It is the examiner's understanding that the claim is directed towards consolidation of index terms so as to try to consolidate entries so as to attempt to ensure that at least a minimum number of entries exist under a given index. For example, if the total number of entries under A and B are each separately and in combination

less than the threshold, then they are combined into a listing of “A-B”. In this regard, it is the examiner’s position that such is taught by Eick in conjunction with its teachings regarding the generation of indexed menu lists based upon thresholds having no more than 5 entries underneath a given term (the illustrations are consistent with the source code which defines the limit as being 6 entries contrary to the earlier recitation of 5 entries in the disclosure).

With respect to applicant’s arguments traversing that the Eick reference fails to “provide evidence that it is known in the art to ‘define each index . . . ‘, the examiner respectfully disagrees. As previously set forth, applicant’s arguments were not deemed persuasive regarding a disclosure, teaching, or suggestion being present in view of the teachings of Eick. Regarding applicant’s arguments that the finding is not capable of instant and unquestionable demonstration or does not include specific factually findings predicated on sound technical and scientific reasoning, such arguments are only pertinent with respect to the examiner’s reliance upon OFFICIAL NOTICE or common knowledge pursuant to MPEP 2144.03 [R-3]. In the instant situation, a prima facie case was presented in light of a provided reference. Applicant’s arguments such that the reference did not teach, show, or disclose the limitation in question, were not deemed persuasive.

With respect to applicant’s repeated traversal of the OFFICIAL NOTICE previously presented stating that it is notoriously well known in the art for cable service providers to charge a fee in connection with subscribing to their services, the examiner acknowledges the applicant’s continued traversal and respectfully refers applicant’s to the previously indicated Beck reference (Col 1, Line 71-72). It is the examiner’s position that the particular practice

by which cable subscribers are charged a fee or are billed monthly for service is clearly capable of instant and unquestionable demonstration as being a well known practice at least as early as the filling of the Beck reference or 01 June 1970. Further evidence of such is provided in connection with the newly cited Knudson et al. reference (Para. [0211]). Applicant's arguments are purely conclusionary in nature and provide no basis or showing as to why the provided patent should not be considered to contain factually findings predicated on sound technical and scientific reasoning. Accordingly, applicant's arguments with respect to the fact that cable server providers charge subscribers for service are not deemed persuasive.

With respect to applicant's traversal with respect to the OFFICIAL NOTICE presented regarding the fact that the illustrative programs/movies with the titles "The Bridges of Madison County", "Casablanca", "Heat", and "The Fugitive" were released over a range of years such as 1995, 1942, 1995, and 1993 respectively, the examiner provides as evidence corresponding movie listings as derived from the Internet Movie Database which illustrates that the particular movies were released in the particular years noted.

With respect to applicant's arguments traversing that the Young reference fails to provide evidence that it is known in the art to "provide user selectable indices which utilize the 'value of the release year of the media' in accordance with 'causing a display order of the media titles in the received media information according to the value of the release year of the media'", the examiner respectfully disagrees. Applicant's arguments that the finding is not capable of instant and unquestionable demonstration or does not include specific factually findings predicated on sound technical and scientific reasoning, such arguments are only

pertinent with respect to the examiner's reliance upon OFFICIAL NOTICE or common knowledge pursuant to MPEP 2144.03 [R-3]. In the instant situation, the question is whether or not a prima facie case was presented in light of a provided reference. As set forth in the rejection, it is the examiner's position that the cited passages of Young teach aforementioned limitation; thereby providing the necessary showing.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-5, 32, 34, 35, 38-45, 52-55, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Eick et al. (US Pat No. 5,812,124).

In consideration of claim 1, the LaJoie et al. reference discloses a method for “providing media information to a user” implemented via a “media services client device” [6] which is coupled to a “programmable media services service device” [15]. The method comprises “receiving media information corresponding to a plurality of accessible media” and subsequently, “configuring a display order of the media titles in the received media information according to the value of a media information parameter” such as Title – Letter (Col 27, Line 64 – Col 28, Line 26). The system “configures [a] plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index” and “responsive to a user selecting a first indexing prompt” (ex. Letter), the system subsequently “provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index” (Col 28, Lines 16-49).

The reference, however, is silent with respect to “configuring each index . . . according to a respective range of values” (ex. the range may correspond to all individual letters for which a television program exists {A-Z}, or all titles that start with just N {N\* or N – Nzzz . . . }, or titles all titles that start with a particular letter combination {NO, NO\*, or NO – Nozzzz . . . } ) “. . . being determined according to a first threshold defining a predetermined number of media titles” whereupon “each user-selectable index corresponding to the media titles in the received media information [is] determined by the respective range of values of the media information parameter corresponding to the user-selectable index”. In a related art pertaining to the display of program guide information, the Eick et al. reference discloses “configuring

each index . . . according to a respective range of values . . . being determined according to a first threshold defining a predetermined number of media titles” whereupon “each user-selectable index corresponding to the media titles in the received media information [is] determined by the respective range of values of the media information parameter corresponding to the user-selectable index” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). For example, Eick et al. discloses that the generation of indexed menu lists based upon a threshold of no more than 5 entries (the illustrations are consistent with the source code which defines the limit as being 6 entries contrary to the earlier recitation of 5 entries in the disclosure). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Lajoie et al. “selectable indices” so as to be based/dependent upon a threshold of the number of underlying entries for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the view with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

In consideration of claim 2, the LaJoie et al. reference discloses a method for “providing media information to a user” implemented via a “media services client device” [6] which is coupled to a “programmable media services service device” [15]. The method comprises “receiving media information corresponding to a plurality of accessible media” and subsequently, “configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter” such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and “according to a portion of the

received media information corresponding to a user-selected category” such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the LaJoie et al. reference, if necessary, so as to secondarily or “provide simultaneously in the display order” a sort by Title – Theme – Letter so as to allow for the user to further easily operate the set-top terminal and navigate through the abundance of programs and services available in the cable television system.

Accordingly, the reference enables the user to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the “interactive media guide” (Figures 21-23) is “configured with the plurality of user-selectable indices for indexing the media titles in the display order” and is “presented . . . having a plurality of indexing prompts corresponding to respective user-selectable indices”. The system subsequently “receives a first user input identifying a first indexing prompt” (ex. Letter) “corresponding to a first user-selectable index” and “responsive to the first user input, [the system] provides simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category (Col 28, Lines 16-49).

The reference, however, is silent with respect to “determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, each range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values”.

In a related art pertaining to the display of program guide information, the Eick et al.

reference discloses “determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Lajoie et al. “selectable indices” so as to be based upon the particular number of underlying entries for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the view with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

In consideration of claim 52, the LaJoie et al. reference discloses a “media services client device for providing media to a user” [6] comprising a “processor” [30] and “memory for storing media information . . . corresponding to a plurality of respective accessible media” [32] which are received via a server [15]. The “processor” is subsequently configured to “cause a display order of media titles in the received media information according to the value of a media information parameter” such as Title – Letter (Col 27, Line 64 – Col 28, Line 26) and “according to a portion of the received media information” as defined by a “user-selected category” such as Title – Theme (Col 26, Line 27 – 17). The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of the program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the LaJoie et al. reference, if necessary, so as to secondarily or “provide simultaneously in the first

“display order” a sort by Title – Letter so as to allow for the user to further easily operate the set-top terminal and navigate through the abundance of programs and services available in the cable television system. Accordingly, the reference enables the user to Browse by Title – Theme – Letter (Col 27, Lines 18-33) such that the “interactive media guide” (Figures 21-23) is “enabled . . . with the plurality of user-selectable indices for indexing the media titles in the display order” that is “presented . . . having a plurality of indexing prompts corresponding to respective user-selectable indices”. The system subsequently “receives a first user input identifying a first indexing prompt” (ex. Letter) “corresponding to a first user-selectable index” and “responsive to the first user input, [the system] provides simultaneously in the first display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category (Col 28, Lines 16-49).

The reference, however, is silent with respect to “determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values”.

In a related art pertaining to the display of program guide information, the Eick et al. reference discloses “determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, [wherein] the range of values [is] determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made

so as to modify the Lajoie et al. “selectable indices” so as to be based upon the particular number of underlying entries for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the view with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

Claims 3 and 39 are rejected wherein the “range of values defining each user-selectable index is selected from a group consisting of: an alphanumeric character [and] a plurality of alphanumeric characters” (Eick et al.: Figures 16-22).

Claims 4 and 40 is rejected wherein the “media information parameter is selected from the group consisting of title name . . . ” (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26).

Claims 5 and 41 are rejected wherein the method/system comprises “receiving user input identifying a media information parameter” such as Title - Letter for “indexing the media titles” (LaJoie et al.: Figure 22; Col 27, Line 64 – Col 28, Line 26

Claims 32 and 34 are rejected in light of the aforementioned wherein the system “receives user input identifying the first user-selectable index” wherein “user input is initiated by the user pressing an arrow button on a remote control” (LaJoie et al.: Col 28, Lines 16-26).

Claim 35 is rejected wherein Figures 17-23 of LaJoie et al. illustrate that the “interactive media guide includes a plurality of indexing prompts and a plurality of media titles”.

Claim 38 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with “user input

designating . . . [a] media title to be highlighted” is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the user selecting a first program for viewing (ex. “CBS Sports Special) and returning to and selecting or highlighting another program (Ex. “Extreme Skiing”), the system would subsequently, “[highlight] a second user-selectable index associated with a second media title . . . in response to the client device receiving user input designating said second media title to be highlighted” upon the user returning to accessing the program Title – Theme – Letter indexing functionality.

Claim 43 is rejected wherein the “each respective range of values is further determined according to a first threshold defining a “first range of values defining the first user-selectable index is an alphanumeric character” (Eick et al.: Figures 18-20) and a “second range of values defining a second user-selectable index is at least two alphanumeric characters” (Eick et al.: Figure 22).

Claims 44, 45, and 55 are rejected wherein the “first range of values defining the first user-selectable index is an alphanumeric character” (Eick et al.: Figures 18-20) and a “second range of values defining a second user-selectable index is at least two [or a plurality of] alphanumeric characters” (Eick et al.: Figure 22).

Claims 53 and 54 are rejected in light of the aforementioned wherein the “portion of the received media information corresponds to a user-selected category” wherein the “user-selected category corresponds to the media titles in the received media information corresponding to all the movies in the media information” (LaJoie et al.: Figure 20).

Claim 57 is rejected in light of the aforementioned wherein the LaJoie et al. reference teaches that the “media titles are ordered based on both the user-selected category and the first user-selectable media” (Ex. Title – Theme – Letter).

Claim 58 is rejected wherein the “first user-selectable index and a first media title associated with said first user-selectable index are highlighted” (LaJoie et al.: Figure 22; Col 28, Lines 27-39).

In consideration of claim 59, the LaJoie et al. reference discloses a method for “providing media information to a user” implemented via a “media services client device” [6] which is coupled to a “programmable media services service device” [15]. The method comprises “receiving media information corresponding to a plurality of accessible media” and subsequently, “configuring a display order of the media titles in the received media information according to the value of a media information parameter” such as Title alphabetically by Letter (Col 27, Line 64 – Col 28, Line 26). The system “configures [a] plurality of user-selectable indices for indexing the media titles according to the display order” (Titles alphabetically by Letter) and “according to a respective range of values of the media information parameter” (ex. Letters), “configures the plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index” and “responsive to a user selecting a first user-selectable index” (ex. Letter), the system subsequently “provides simultaneously in the display order at least a

portion of the media titles corresponding to the first user-selectable index” (Col 28, Lines 16-49).

The reference, however, is silent with respect to “configuring each index . . . according to a respective range of values” (ex. the range may correspond to all individual letters for which a television program exists {A-Z}, or all titles that start with just N {N\* or N – Nzzz . . .}, or titles all titles that start with a particular letter combination {NO, NO\*, or NO – Nozzzz . . .} ) “. . . being determined according to a first threshold defining a predetermined number of media titles”. In a related art pertaining to the display of program guide information, the Eick et al. reference discloses “configuring each index in a plurality of user-selectable indices according to the display order” (ex. Titles alphabetically by Letter) and “according to a respective range of values of the media information parameter. . . being determined according to a first threshold defining a predetermined number of media titles” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). For example, Eick et al. discloses that the generation of indexed menu lists based upon a threshold of no more than 5 entries (the illustrations are consistent with the source code which defines the limit as being 6 entries contrary to the earlier recitation of 5 entries in the disclosure). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Lajoie et al. “user-selectable indices” so as to be based/dependent upon a threshold of the number of underlying entries for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the view with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

Art Unit: 2614

8. Claims 16 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Eick et al. (US Pat No. 5,812,124), and in further view of Knudson et al. (US Pub No. US 2005/02024387)

In consideration of claims 16 and 48, the LaJoie et al. reference discloses that the media guide and associated functionality is provided to cable subscribers. The reference, however, does not explicitly state that cable subscribers are “charged a fee in connection with the provision of indexing functionality” associated with being allowed to access the cable provider’s network/services. In a related art pertaining to interactive video distribution, the Knudson et al. reference provides evidence that cable subscribers are “charged a fee in connection with” access to interactive services including those associated with interactive media guides whereupon lack of payment disables access to those services (Figure 105; Para. [0211]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to “charge the user a fee in connection with the provision of indexing functionality” for the inherent advantages associated with charging subscribers usage fees including but not limited to the ability of the service provider to re-coup costs and profit from providing cable services.

9. Claims 17, 18, 21-23, 25-27, 46, 47, 49, 50, 51, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Eick et al. (US Pat No. 5,812,124), and in further view of Young et al. (US Pat No. 5,808,608).

In consideration of claim 17, as aforementioned, the LaJoie et al. reference discloses a “media services client device for providing media to a user” [6] comprising a “processor” [30] and “memory for storing media information . . . corresponding to a plurality of

respective accessible media” [32] which are received via a server [15]. The reference teaches that the system is operable to “cause a display order of media titles in the received media information” based on a number of criteria (Title – Theme, Title – Letter, etc.), to “enable a plurality of user-selectable indices for indexing displayed media titles wherein each user-selectable index corresponds to a range of time” associated with the underlying programs (ex. “Casablanca” was released in 1942 and is scheduled to be broadcast on 9/20 at 12:00 PM and the “CBS Sports Special” is construed as being associated with a different year such as 1996 and a different broadcast time). The system subsequently, “determines the media titles in the received media information corresponding to each-user selectable index” (ex. Title – Letter) (Figures 20-23).

The reference further discloses that the system is operable when sorting by Title – Theme to further secondarily sort by any other set of program characteristics. It would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the LaJoie et al. reference, if necessary, so as “determine the media titles in the received media information corresponding to each user-selectable index and a user-selected category; and responsive to a user input, to provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected category” so as to allow for the user to further easily operate the set-top terminal and navigate through the abundance of programs and services available within a given category of programming in the cable television system. For example, such a modification, would enable the user to sort/filter based upon Title – Theme – Letter.

The reference, however, in enabling the aforementioned, “plurality of user-selectable indices” is silent with respect to doing so “according to a threshold defining a predetermined number of media titles”. In a related art pertaining to the display of program guide information, the Eick et al. reference discloses “enabling a plurality of user-selectable indices for indexing displayed media titles, each user selectable index corresponding to a range of time and according to a threshold defining a predetermined number of media titles” (Figures 16 – 22; Col 9, Line 51 – Col 10, Line 19; Col 89 – Col 110 – “Select form code”). For example, Eick et al. discloses that the generation of indexed menu lists based upon a threshold of no more than 5 entries (the illustrations are consistent with the source code which defines the limit as being 6 entries contrary to the earlier recitation of 5 entries in the disclosure). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the LaJoie et al. “user-selectable indices” so as to be based/dependent upon a threshold of the number of underlying entries for the purpose of advantageously providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the view with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

With respect to the limitation that the system further “causes a display order of the media titles in the received media information according to the value of the release year of the media” wherein the aforementioned “display order” is subsequently utilized “responsive to a user input”, as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any one or set of program characteristics. The release year of the media is a characteristic of the media, however, the

reference does not explicitly disclose the ordering of a display “according to the value of the release year of the media”. The Young et al. reference discloses providing user selectable indices which utilize the “value of the release year of the media” in accordance with “causing a display order of the media titles in the received media information according to the value of the release year of the media” (Young et al.: Col 13, Line 60 – Col 15, Line 23).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify LaJoie et al., as suggested, so as to utilize other program characteristics in connection with indexing program titles including the utilization of the “value of the release year of the media” as an user-selectable index and the further “causing [of] a display order of the media titles in the received media information according to the value of the release year of the media” as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57).

Claim 18 is rejected in light of the aforementioned wherein “only media titles belonging to a sub-list of media titles”, or those corresponding to the user-selected index or category is “presented to the user” in light of the combined references (LaJoie et al.: Col 6, Lines 29-46).

Claims 21 and 23 are rejected in light of the aforementioned wherein the system “receives user input identifying the first user-selectable index” wherein “user input is initiated by the user pressing an arrow button on a remote control” (LaJoie et al.: Col 28, Lines 16-26).

Claim 22 is rejected wherein the “media titles are ordered based on the user-selected category and the first user-selectable index” in light of the combined references (LaJoie et al.: Col 27, Lines 24-28).

Claim 25 is rejected wherein the “first user-selectable index and a first media title associated with said first user-selectable index are highlighted” (LaJoie et al.: Figure 22; Col 28, Lines 27-39).

In consideration of claim 26, the LaJoie et al. reference sets forth that a media title may be highlighted in response or subsequent to the user designating that particular user selectable index (Col 28, Lines 16-39). Accordingly, the reference meets the limitation “wherein a second media title associated with a second user-selectable index is highlighted in response to the client device receiving user input designating said second user-selectable index to be highlight” in connection with the user selecting a program and index other than an established default.

Claim 27 is rejected in light of the combination of references and in particular the teachings of LaJoie et al. The LaJoie et al. reference sets forth that upon entry to the indexing by alphabetical list that the previous indexing term associated with “user input designating . . . [a] media title to be highlighted” is highlighted as the default (LaJoie et al.: Col 27, Line 64 – Col 28, Line 15). Accordingly, taken in combination in response to the user selecting a first program for viewing (ex. “CBS Sports Special) and returning to and selecting or highlighting another program (Ex. “Extreme Skiing”), the system would subsequently, “[highlight] a second user-selectable index associated with a second media title . . . in response to the client device receiving user input designating said second media title to

be highlighted” upon the user returning to accessing the program Title – Theme – Letter indexing functionality.

In consideration of claims 46, 47, and 56, the combination of LaJoie et al. and Eick et al. is silent with respect to the “media information parameter corresponding to a media release year . . . “ as recited in the claims. However, as aforementioned, the LaJoie et al. reference suggests that the system is operable to further provide multiple sort criteria based upon any one or set of program characteristics. The release year of the media is a characteristic of the media. The Young et al. reference discloses utilizing a “media information parameter corresponding to a media release year, the first range of values defining the first user-selectable index is a year, and a second range of values defining a second user-selectable index is a plurality of years” (Young et al.: Col 13, Line 60 – Col 15, Line 23).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify LaJoie et al., as suggested, so as to utilize other program characteristics in connection with indexing program titles including the utilization of the “value of the release year of the media” as an user-selectable index as taught by Young et al. for the purpose of ordering the display of information most conveniently for the user based upon available program characteristics (Young et al.: Col 2, Lines 43-57).

Furthermore, it would have subsequently have been obvious to utilize other data, as suggested in the source code, such the aforementioned media release year in accordance with the teachings of Eick et al. for added flexibility in connection with providing a view of a large schedule of data items with a sufficiently small number of items in order to provide the

view with an opportunity to make a reasoned selection therefrom (Eick et al.: Col 2, Lines 30-36).

Claim 49 is rejected in light of the aforementioned wherein the “user-selected category corresponds to the media titles in the received media information corresponding to all the movies in the media information” (LaJoie et al.: Figure 20).

In consideration of claim 50, the “user-selected category corresponds a portion of the media titles in the received media information corresponding to one from . . . drama” as in the case of the designation of the user-selected category “Movie” which corresponds to media titles such as Movie/Drama entitled “Casablanca” (LaJoie: Figure 22).

Claim 51 is rejected wherein a “first range of values corresponding to the first user-selectable index is a year, and a second range of values corresponding to a second user-selectable index is a plurality of years” (Young et al.: Col 14, Lines 56-64).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Scott Beliveau  
Examiner  
Art Unit 2614



SEB  
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